

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO., )	)	
	)	
Plaintiff, )	)	Case No. 4:02-CV-00146
	)	
v. )	)	<b><u>ORDER</u></b>
	)	
3.04 ACRES IN PATRICK COUNTY, )	)	By: Jackson L. Kiser
VIRGINIA, JERRY S. THOMAS, )	)	United States District Court
BETTY B. THOMAS, et. al. )	)	
	)	
Defendants. )	)	

Before me is the *Defendant's Motion for Revocation of the Court's Order Granting Plaintiff a New Trial*. A hearing on this motion was held by conference call before this Court on Tuesday, April 3, 2007 at 11:00AM in Danville, VA. For the reasons stated in the accompanying memorandum opinion, I find that the second trial has not shown that my January 24, 2006 decision to grant the new trial was in error and my original order granting that trial still stands. Consequently, I will **DENY** the *Defendant's Motion for Revocation of the Court's Order Granting Plaintiff a New Trial* and judgment will be entered on the jury's verdict.

The Clerk is directed to send certified copies of this *Order* to all counsel of record.

Entered this 12<sup>th</sup> day of April, 2007.

s/Jackson L. Kiser  
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Senior United States District Judge